

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: McAuley et al. )  
Serial No.: 10/598,026 )  
Filed: October 18, 2007 )  
For: **BREATHING ASSISTANCE** )  
      **APPARATUS** )  
Art Unit: 3743 )  
Confirm. No.: 9347 )  
Atty. Ref.: 1171/45436/171-PCT-US )

**STATUS INQUIRY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant, by and through its attorneys of record, respectfully requests a report as to the status of the above-noted application. This application was filed on August 16, 2006 and accorded a filing date of October 18, 2007 under 35 U.S.C. §371, and, as of the date of this letter, no Office Action has been received and the “First Action Prediction” listed on the Patent Office website for this matter predicts an estimation of 44 months until Applicant will receive a first Office Action. A copy of the “First Action Prediction” is enclosed herewith.

Applicant hereby respectfully requests that the United States Patent Office re-evaluate this estimation of 41 months and update the Patent Office records accordingly. In addition, Applicant requests to be formally notified of a reasonable estimation.

Respectfully submitted,

Date Apr. 21, 2009

By:



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# UNITED STATES PATENT AND TRADEMARK OFFICE

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DATE : 04/21/2009

To: Applicant of Serial Number 10598026  
Filed on 18-OCT-2007  
(Art Unit 3771)

It is estimated that this application will receive an Office action in approximately 44 months. This is an estimate that is based on the current inventory level of applications filed in this art area and the current staffing levels in this Art Unit. The USPTO is dedicated to minimizing first action and total pendency, and we are targeting resources to help address backlogs in art areas with high new application filings. Thank you for your inquiry.

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